

REMARKS/ARGUMENTS

The rejections presented in the Office Action dated November 16, 2005 (hereinafter Office Action) have been considered. Claims 1-44 remain pending in the application. Applicant acknowledges the allowable subject matter of claims 21, 25, 40, and 41 indicated by the Examiner. Claims 1, 25, 28, 35, 38, and 43 have been amended. Claims 21 and 42 have been canceled. Claims 45-47 have been added. Reconsideration of the pending claims and allowance of the application in view of the present response is respectfully requested.

The Examiner objected to the title as not being descriptive. Applicant has amended the title, which is believed to adequately describe the invention as recited in the pending claims.

The Examiner contends that claim 42 is directed to non-statutory subject matter. Without acquiescing to the Examiner's rejection of claim 42, Applicant has canceled claim 42 without prejudice.

Claims 42 and 43 stand rejected under 35 U.S.C. §112, first paragraph, as failing to comply with the enablement requirement. The rejection of claim 42 is moot, in view of the cancellation of this claim. Regarding claim 43, Applicant disagrees with the Examiner concerning a purported failure to comply with the enablement requirement.

The processes recited in Applicant's claim 43 are fully supported in Applicant's disclosure. Implementation details of these processes are found in the flow charts of Figures 2A-2D and throughout Applicant's specification. These processes are recited in various forms in other pending claims, which comply with 35 U.S.C. §112, first paragraph. Applicant's specification, at paragraphs 77 and 78, provides support for a variety of distribution mediums encompassed by claim 43. Applicant respectfully asserts that one skilled in the art at the time of Applicant's filing could readily implement the processes recited in claim 43 in any of the distribution mediums contemplated in claim 43.

Applicant respectfully references MPEP 2106.02, which provides that, to establish a reasonable basis for questioning the adequacy of a disclosure, the Examiner must present a factual analysis of a disclosure to show that a person skilled in the art would not be able to make and use the claimed invention without resorting to undue experimentation. In computer applications, it is not unusual for the claimed invention to involve two areas of prior art or more than one technology, e.g., an appropriately programmed computer and an area of application of said computer. *White Consol. Indus.*, 214 USPQ at 821. In regard to the "skilled in the art" standard, in cases involving both the art of computer programming, and another technology, the examiner must recognize that the knowledge of persons skilled in both technologies is the appropriate criteria for determining sufficiency. See *In re Naquin*, 398 F.2d 863, 158 USPQ 317 (CCPA 1968); *In re Brown*, 477 F.2d 946, 177 USPQ 691 (CCPA 1973); and *White Consol. Indus. v. Vega Servo-Control, Inc.*, 214 USPQ 796, 822 (S.D.Mich. 1982), *aff'd on related grounds*, 713 F.2d 788, 218 USPQ 961 (Fed. Cir. 1983).

Applicant respectfully submits that the Examiner has not presented the factual analysis required by MPEP 2106.02, nor has the Examiner established a reasonable basis for questioning the adequacy of Applicant's disclosure. For at least these reasons, the rejection of claim 43 is improper and must be withdrawn.

Claims 1-9, 11, 12, 14, 18-20, 22-24, 27-30, 35, 36, 38, 39 and 42-44 stand rejected under 35 U.S.C. §103(a) as being unpatentable over U.S. Publication No. 2004/0148090 by *Melen* (hereinafter "Melen") in view of U.S. Patent No. 5,544,225 to *Kennedy, III et al.* (hereinafter "Kennedy III). Claim 10 stands rejected under 35 U.S.C. §103(a) as being unpatentable over Melen and Kennedy III in view of U.S. Publication No. 2003/0079135 by Jones. Claim 13 stands rejected under 35 U.S.C. §103(a) as being unpatentable over Melen and Kennedy III in view of U.S. Patent No. 6,577,622 to *Schuster et al.* (hereinafter "Schuster"). Claims 15, 32 and 37 stand rejected under 35 U.S.C. §103(a) as being unpatentable over Melen and Kennedy III in view of U.S. Publication No. 2002/0196781 by *Salovuori* (hereinafter "Salovuori"). Claims 16 and 17 stand rejected under 35 U.S.C. §103(a) as being unpatentable over Melen, Kennedy III and Salovuori and further in view of

U.S. Publication No. 2003/0048806 by *Haartsen* (hereinafter “Haartsen”). Claim 26 stands rejected under 35 U.S.C. §103(a) as being unpatentable over Melen and Kennedy III in view of U.S. Patent No. 6,885,874 to *Grube et al.* (hereinafter “Grube”). Claim 31 stands rejected under 35 U.S.C. §103(a) as being unpatentable over Melen and Kennedy III in view of U.S. Patent No. 5,828,987 to *Tano et al.* (hereinafter “Tano”). Claims 33 and 34 stand rejected under 35 U.S.C. §103(a) as being unpatentable over Melen and Kennedy III and further in view of Haartsen.

In the Office Action, the Examiner indicates that claims 21, 25, 40 and 41 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form. Applicant has amended all pending independent claims to incorporate features of the allowable claims.

Amended claim 1 incorporates features of allowable claim 21, and claim 21 has been canceled. Allowable claim 25 has been amended to recite elements of claim 1 now in independent form. Amended independent claims 28 and 35 incorporate features of allowable claim 21. Amended claim 38, now in independent form, incorporates features of allowable claim 25 and features of claims 35. Amended independent claim 43 incorporates features of allowable claim 21.

Applicant respectfully submits that claims 1-20, 22-41, 43, and 44 are allowable in view of the amendments discussed above.

It is to be understood that Applicant does not acquiesce to Examiner’s characterization of the asserted art or Applicant’s claimed subject matter, nor of the Examiner’s application of the asserted art or combinations thereof to Applicant’s claimed subject matter. Moreover, Applicant does not acquiesce to any explicit or implicit statements or conclusions by the Examiner concerning what would have been obvious to one of ordinary skill in the art, obvious design choices, alternative equivalent arrangements, common knowledge at the time of Applicant’s invention, officially noticed facts, and the like. Applicant respectfully submits that a detailed discussion of each of the Examiner’s rejections beyond that provided above is not necessary, in view of the amendments to the

claims incorporating allowable subject matter indicated by the Examiner. Applicant, however, reserves the right to address in detail the Examiner's characterizations, conclusions, and rejections in future prosecution.

New claims 45-47 are believed to be directed to allowable subject matter. New claim 44 recites features of allowable claim 25 and claim 43. New claim 45 recites features of allowable 25 and claim 35. New claim 46 recites features of claims 20, 28, and features found in Applicant's specification at paragraphs 3, 26, and 27.

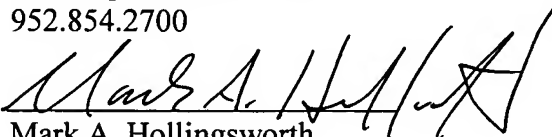
Authorization is given to charge Deposit Account No. 50-3581 (KOLS.104PA) any necessary fees for this filing.

If the Examiner believes it necessary or helpful, the undersigned attorney of record invites the Examiner to contact him at to discuss any issues related to this case.

Respectfully submitted,
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By:


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